

Regular Session, 2010

SENATE BILL NO. 549

BY SENATOR ADLEY

COLLEGES/UNIVERSITIES. Provides for the receipt of certain pro bono legal services from state and private university law schools by small and emerging businesses and prohibits certain activities by law school clinics. (8/15/10)

1 AN ACT
2 To amend and reenact R.S. 51:942(E) and to enact 9:2794.1, relative to small businesses and
3 state agencies; to encourage certain activities by law school clinics; to provide
4 certain restrictions on actions, proceedings and activities by certain law school
5 clinics; to prohibit law school clinics from engaging in certain legal activities and
6 certain litigation; to provide for forfeiture of state funds under certain circumstances;
7 to provide terms and conditions; to provide for legislative oversight; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 51:942(E) is hereby amended and reenacted to read as follows:

11 §942. Small and emerging businesses

12 * * *

13 E.(1) The department may require all certified small and emerging
14 businesses to report such information the department deems necessary to enable and
15 facilitate its evaluation of the progress of the small and emerging business and the
16 benefits of the program.

17 (2) The department shall advise all certified small and emerging

1 businesses that they may obtain pro bono legal advice from any state or private
2 university, which receives any funding from the state of Louisiana, and which
3 university operates a law school clinic in order to gather the necessary
4 information required in this Subsection and to comply with all other provisions
5 of this Part.

6 * * *

7 Section 2. R.S. 9:2794.1 is hereby enacted to read as follows:

8 **§2794.1. Authorization and limitation on actions and proceedings by university**
9 **law clinics**

10 **A. Any state or private university, which receives any funding from the**
11 **state of Louisiana, shall be subject to certain limitations on the activities of their**
12 **law school clinics, as provided in this Section.**

13 **(1) Law school clinics of universities receiving state funds are prohibited**
14 **from doing any of the following:**

15 **(a) File a petition, motion, or suit against a government agency.**

16 **(b) File a petition, motion, or suit against an individual, business, or**
17 **government agency seeking monetary damages.**

18 **(c) Except as provided in Paragraph (3) of this Subsection, raising state**
19 **constitutional challenges in state or federal court.**

20 **(2) To the extent consistent with guidelines of the Louisiana Supreme**
21 **Court pertaining to law students, law school clinics of universities receiving**
22 **state funds may engage in any of the following:**

23 **(i) The prosecution and defense of criminal cases.**

24 **(ii) Representation in state juvenile court.**

25 **(iii) Represent individuals and businesses before state and federal**
26 **administrative agencies and tribunals.**

27 **(iv) Partner with civic groups to represent low income individuals before**
28 **state and local governmental agencies in order to insure compliance with**
29 **government laws and regulations.**

1 **(v) Represent victims of domestic violence.**

2 **(vi) Represent individuals in family court.**

3 **(3) Except in representing the state, an accused, or a prisoner in a**
 4 **criminal, juvenile or habeas proceeding, law clinics shall not raise state**
 5 **constitutional challenges in state or federal court.**

6 **B. (1) Law clinics of state universities are encouraged to assist with legal**
 7 **work for small businesses in Louisiana.**

8 **(2) Law school clinics at universities which receive state funds shall be**
 9 **subject to oversight by the House Committee on Commerce and the Senate**
 10 **Committee on Commerce, Consumer Protection and International Affairs.**

11 **C. (1) A violation of this Section shall result in the forfeiture of all state**
 12 **funding to the university for that fiscal year.**

13 **(2) It shall also be grounds for recusal of the student acting as an**
 14 **attorney, faculty attorney, or the legal clinic in a court proceeding.**

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Proposed law provides that any state or private university which receives any funding from the state of La., is subject to certain limitations on the legal activities of their law school clinics.

Proposed law provides that law school clinics of universities receiving state funds are prohibited from doing any of the following:

- A. Filing a petition, motion, or suit against a government agency.
- B. Filing suit against an individual, business, or government agency seeking monetary damages.
- C. Except under certain circumstances raising state constitutional challenges in state or federal court.

Proposed law provides that law school clinics of universities receiving state funds may engage in any the following:

- A. The prosecution and defense of criminal cases.
- B. Representation in state juvenile court.

- C. Represent individuals and business before state and federal administrative agencies and tribunals, to the extent consistent with guidelines of the Louisiana Supreme Court pertaining to law students.
- D. Partner with civic groups to represent low income individuals before state and local governmental agencies in order to insure compliance with government laws and regulations.
- E. Represent victims of domestic violence.
- F. Represent individuals in family court.

Proposed law provides that, except in representing the state, an accused, or a prisoner in a criminal, juvenile or habeas proceeding, law clinics shall not raise state constitutional challenges in state or federal court.

Proposed law provides that law clinics of state universities are encouraged to assist with legal work for small businesses in Louisiana.

Proposed law provides that law school clinics shall be subject to oversight by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection and International Affairs.

Proposed law provides that a violation will result in the forfeiture of all state funding to the university for that fiscal year.

Proposed law provides that a violation shall be grounds for recusal of the student acting as an attorney, faculty attorney or the legal clinic in a court proceeding.

Effective August 15, 2010.

(Amends R.S. 51:942(E) and adds 9:2794.1)